

REMARKS

Claim Objections

The Examiner has objected to claims 59 and 61 because claim 59 is in improper dependent form. Claim 59 has been cancelled, and claim 61 has been made dependent on claim 60. Applicant, accordingly, respectfully requests withdrawal of the objections as to the formalities of the claims.

Drawings

The Examiner has objected to the drawings under 37 C.F.R. § 1.83(a) because of a limitation in claim 55. Claim 55 has been cancelled without prejudice. Applicant respectfully requests withdrawal of the objections under 37 C.F.R. § 1.83(a).

35 U.S.C. § 112 Rejections

The Examiner has rejected claims 49-62 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner states that the claims recite a “drive mechanism for reciprocating the hammer,” and that the disclosure merely discloses a means for lifting the hammer via a chain, wherein the hammer thereafter drops due to gravity.

It should, however, be evident from the description that “a drive mechanism for reciprocating the hammer” should not be limited to a drive mechanism that provides actuation in both directions. As such, and in view of

the disclosure, “for reciprocating” should be interpreted as providing some actuation and furthermore allows for reciprocation of the hammer.

The Examiner also rejected claims 50-55, 59, 61, and 62 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 50 has been amended on line 3, changing the word “a” to the word “said,” and on line 4 to read “...any force acting to push the hammer...”

Claim 51 has been cancelled and incorporated into claim 49, which has been amended to read “... engages with said face of the hammer...”

Claim 52 has been amended to claim dependency from claim 49.

Claims 54, 55, and 59 have been cancelled.

Claim 61 is now dependent on claim 60.

Claims 61 and 62 have been amended on their last line to read “... at least a portion of the hammer face.”

Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 49-62 under 35 U.S.C. § 112.

35 U.S.C. § 103 Rejections and Allowable Subject Matter

The Examiner has rejected claims 49-53, 56, and 58-62 under 35 U.S.C. § 103(a) as being unpatentable over Minotti, et al. in view of Lamoureux, et al., but indicated that claim 54 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to include all the limitations of the

base claim and any intervening claims. Claim 49 has now been amended with the limitations of claim 54.

Applicant, accordingly, respectfully requests withdrawal of the remaining rejections under 35 U.S.C. § 103(a) and an allowance of the patent application.

Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Stephen M. De Klerk at (408) 720-8300.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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/ Stephen M. De Klerk /
Stephen M. De Klerk
Reg. No. 46,503

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(408) 720-8300